

REMARKS

This Paper and Request for Continued Examination are submitted in response to the Advisory Action dated November 17, 2006 and in further response to the final Office Action mailed on September 6, 2006 and having a statutory response period that ends on December 6, 2006. This Paper is submitted within the shortened statutory response period. The Commissioner is hereby authorized to charge the RCE of \$790.00 and any additional fees to Deposit Account number 02-1818.

Claims 1-6 are pending in this application.

Claims 1 to 6 were rejected under 35 U.S.C. § 103(a) for allegedly being obvious over U.S. Patent Application Publication No. 2001/0044731 to Coffman et al. ("*Coffman*") in view of U.S. Patent No. 6,988,075 issued to Hacker ("*Hacker*"). Applicants respectfully disagree with and traverse this rejection for the reasons provided below.

Coffman does not disclose or suggest a medication delivery method which includes 1) reading with a handheld computing device a first label on a medication container, 2) reading with the handheld computing device a second label worn by a patient, 3) comparing with the handheld computing device medication data from the first label and patient data from the second label, and 4) confirming with the handheld device a match between the medication data and the patient data as recited in the present claims. *Coffman* discloses a portable medical transaction carrier (MTC) that is carried by a care-giver between a patient's location and a hospital main computer database. The MTC carries medical transaction data between the hospital main computer database and a patient specific asset (such as an infusion pump). *Coffman*, ¶¶ 38, 57, and 68-69. The *Coffman* system may include an additional piece of equipment (such as a scanner) that may scan a patient's ID bracelet while the MTC downloads medical transaction data to the PSA. *Coffman*, ¶ 106. The *Coffman* system may include a further additional piece of equipment that scans a bar code located on the medication. *Coffman*, ¶107. *Coffman* discloses that other pieces of equipment – not the MTC – scan the patient ID bracelet or the medication. Thus, *Coffman* fails to disclose or suggest a single handheld computing device that reads both a medication container label and a patient label as recited in the present claims.

Moreover, *Coffman* has no disclosure or suggestion that the MTC compares medication data with patient data to confirm a match between the medication data and the patient data as recited in the present claims. *Coffman* has no disclosure whatsoever indicating that the MTC performs a comparison function between patient data and medication data. To the contrary, *Coffman* discloses that validation checks are performed either by the main computer database or the PSA and not the MTC. See *Coffman* ¶35 (the main computer database “validates” the message from the PSA), ¶83 (the PSA “takes control of the process” and generates an error signal if patient validation is unsuccessful), ¶86 (“a software program may be run in the PSA to validate delivery protocols...”), ¶98 (the infusion pump compares the medical transaction data from the MTC to medical transaction data in the infusion pump memory). As the MTC merely ferries data between the main computer database and the PSAs, and the MTC performs no comparison function between patient data and medication data to confirm a match between the patient data and the medication data, *Coffman* fails to disclose or suggest a handheld computing device as recited in the present claims. Indeed, the Patent Office recognized this as a patentable distinction over *Coffman* in parent Application Serial No. 10/043,891. See U.S. Patent Application Serial No. 10/043,891, Amendment and Reply to Office Action Dated February 28, 2003.

Hacker fails to fulfill the deficiencies of *Coffman*. *Hacker* merely discloses a medical information system having a database which permits remote access to medical record by way of a personal digital assistant. *Hacker*, col. 7 lines 20-65. Consequently, *Hacker* has no disclosure whatsoever regarding a handheld computing device that compares scanned patient data to scanned medication data to confirm a match exists between the patient data and the medication data as recited in the present claims. No combination of *Coffman* and *Hacker* therefore discloses or suggest the subject matter recited in the present claims.

For the foregoing reasons, Applicants respectfully request reconsideration of their patent application and earnestly request an early allowance of same.

Respectfully submitted,

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